

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SOVERAIN SOFTWARE LLC

Plaintiff

vs.

**THE GAP, INC. and
AMAZON.COM, INC.**

Defendant

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CASE NO. 6:04-CV-14

DOCKET CONTROL ORDER

In accordance with the scheduling conference conducted on May 24, 2004, it is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this court:

August 15, 2005	9:00 a.m. Jury selection with trial to follow as reached at the United States District Court, 211 West Ferguson, 3rd Floor, Courtroom of Judge Leonard Davis, Tyler, Texas.
August 1, 2005	Pretrial Conference - 10:00 a.m. at the United States District Court, 211 West Ferguson, 3rd Floor, Courtroom of Judge Leonard Davis, Tyler, Texas.
July 28, 2005	Motions in Limine (due three days before final Pre-Trial Conference). Three (3) days prior to the pre-trial conference provided for herein, the parties shall furnish a copy of their respective Motions in Limine to the Court by facsimile transmission, 903/590-1190. The parties are directed to confer and advise the Court on or before 3:00 o'clock p.m. the day before the pre-trial conference which paragraphs are agreed to and those that need to be addressed at the pre-trial conference.
July 25, 2005	Pretrial Objections due

July 11, 2005	<p>Video Deposition Designation due. Each party who proposes to offer a deposition by video shall file a disclosure identifying the line and page numbers to be offered. All other parties will have ten days to file a response requesting cross examination line and page numbers to be included. Any objections to testimony must be filed ten days prior to the Pretrial Conference. The party who filed the initial Video Deposition Designation is responsible for preparation of a final edited video in accordance with all parties designations and the court's rulings on objections.</p> <p>Pretrial Disclosures due</p>
June 20, 2005	Joint Pretrial Order, Joint Proposed Jury Instructions, and Form of the Verdict for jury trials. Proposed Findings of Fact and Conclusions of Law for bench trials. Response to Dispositive Motions (including <i>Daubert</i> motions) Responses to dispositive motions filed prior to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e). Motions for Summary Judgment shall comply with Local Rule CV56.
June 6, 2005	Parties to Identify Rebuttal Trial Witnesses; Dispositive Motions due from all parties and any other motions that may require a hearing (including <i>Daubert</i> motions); Answer to Amended Pleadings (after Markman Hearing) due
May 23, 2005	Parties to Identify Trial Witnesses; Amend Pleadings (after Markman Hearing). (It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. It is necessary to file a Motion for Leave to Amend after the deadline.)
April 21, 2005	Parties May Designate Rebuttal Expert Witnesses (non-construction issues); Rebuttal Expert witness reports due; Refer to Local Rules for required information
March 28, 2005	All Parties Designate Expert Witnesses (non-construction issues); Expert witness reports due; Refer to Local Rules for required information.
March 21, 2005	Discovery Deadline
January 11, 2005	Comply with P.R.3-8
January 6, 2005	Markman Hearing at 9:30 a.m. at the United States District Courthouse, 211 West Ferguson, 3rd Floor, Judge Davis's Courtroom, Tyler, Texas
December 7, 2004	Comply with P.R. 4-5(c)
November 30, 2004	Comply with P.R. 4-5(b)
November 16, 2004	Comply with P.R. 4-5(a)
November 2, 2004	Discovery Deadline - Claims Construction Issues
October 19, 2004	Respond to Amended Pleadings

October 6, 2004	Amend Pleadings
October 4, 2004	Comply with P.R. 4-3
September 2, 2004	Comply with P.R. 4-2; Join Additional Parties; Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents)
July 13, 2004	Comply with P.R. 4-1
July 5, 2004	Comply with P.R. 3-3
June 3, 2004	Comply with P.R. 3-1
	First round of mediation to be completed within thirty days following Defendants disclosures under Patent Rule 3.3. A second round shall be completed within thirty days after the Court renders its claim construction ruling. Robert Parker is appointed as mediator in this cause. The mediator shall be deemed to have agreed to the terms of Court Ordered Mediation Plan of the United States District Court of the Eastern District of Texas by going forth with the mediation in accordance with this order. General Order 99-2.
LENGTH OF TRIAL	10 DAYS

The parties are directed to Local Rule CV-7(d), which provides in part that “[i]n the event a party fails to oppose a motion in the manner prescribed herein the court will assume that the party has no opposition.” Local Rule CV-7(e) provides that a party opposing a motion has **15 days** in which to serve and file supporting documents and briefs after which the court will consider the submitted motion for decision.

OTHER LIMITATIONS

- (a) All depositions to be read into evidence as part of the parties’ case-in-chief shall be **EDITED** so as to exclude all unnecessary, repetitious, and irrelevant testimony; **ONLY** those portions which are relevant to the issues in controversy shall be read into evidence.
- (b) The Court will refuse to entertain any motion to compel discovery filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. See Eastern District of Texas Local Rule CV-7(h).
- (c) The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:
 - (i) The fact that there are motions for summary judgment or motions to dismiss pending;
 - (ii) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;

- (iii) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

So **ORDERED** and **SIGNED** this 3 day of **June**, 2004.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE